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REJECTION OVER A PENDING "REFERENCE" APPLICATION**Docket Number (Optional)
SERVIER 499 PCT

In re Application of: Thierry DUBUFFET and Jean-Pierre LECOUBE

Application No.: 10/582,283

Filed: June 9, 2006

For: PROCESS FOR THE SYNTHESIS OF PERINDOPRIL AND PHARMACEUTICALLY ACCEPTABLE SALTS THEREOF

The owner*, LES LABORATOIRES SERVIER, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 10/582,419, filed on June 9, 2006, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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2. ☒ The undersigned is an attorney or agent of record. Reg. No. 55,093


Signature

5 JUNE 2007
DateMICHELE M. CUDAHY
Typed or printed name269-382-0030
Telephone Number

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The above results show that the use of EDCI / HOBT or T₃P in the coupling reaction between (2*S*,3*aS*,7*aS*)-octahydroindole-2-carboxylic acid benzyl ester and N-[(*S*)-1-carboxybutyl]-(*S*)-alanine ethyl ester allows the resulting product to be obtained with a higher purity than when DCC / HOBT is used, the yield of the reaction being otherwise similar or even slightly higher.

This superiority was highly unpredictable.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment or both, under section 1001 of the title 18 of the United States Code and that such wilful false statements may jeopardize the validity of the application or any patent issued thereon.

Further declarant sayeth not

Thierry Dubuffet

Thierry DUBUFFET

Executed at : Courbevoie

Date : may 11 2007

Postal address :
LES LABORATOIRES SERVIER
12 place Défense
92415 COURBEVOIE CEDEX
FRANCE